

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

OMAR RASHAD POUNCY,

Petitioner,

Case No. 2:13-cv-14695

Hon. Matthew F. Leitman

v.

CARMEN D. PALMER,

Respondent.

**ATTORNEY KEVIN LAIDLER’S UNOPPOSED MOTION FOR LEAVE
TO WITHDRAW AS CO-COUNSEL FOR PETITIONER**

NOW COMES Kevin Laidler, attorney for Petitioner Omar Rashad Pouncy, pursuant to Local Rule 83.25(b), who states:

1. The Court has discretion to grant leave to withdraw. U.S. v. Mack, 258 F.3d 548, 555-56 (6th Cir. 2001). On June 7, 2019, attorney sought and received concurrence in the relief sought in this motion by Respondent’s Counsel John S. Pallas.
2. A lawyer’s withdrawal from a matter is governed by the pertinent local and ethical rules. Brandon v. Blech, 560 F.3d 536, 537 (6th Cir. 2009) (permitting withdrawal as a result of client’s failure to pay).
3. Before withdrawal under MRPC 1.16(b)(4) is permitted, a lawyer must give a client “reasonable warning that the attorney will withdraw unless the obligation is fulfilled.” See Bye v. Ferguson, 138 Mich. App. 196; 360 N.W.2d 175 (1984) (Michigan Court

of Appeals required client notice regardless of whether a lawyer's withdrawal was justified)

4. Attorney Laidler filed his appearance in this matter on or about February 6, 2019.
5. Attorney Laidler has filed two motions in the case – a motion for immediate release on March 14, 2019, and a motion for oral argument on March 16, 2019 which have been denied and granted, respectively, and are no longer before the Court.
6. On or about March 7, 2019, prominent Criminal Defense attorney Harold Z. Gurewitz was retained to handle the portion of the briefing originally tasked to attorney Laidler.
7. Attorney Laidler took no part whatsoever in the briefing of either section of Petition, and, pursuant to Court Order, has not filed any other documentation with the Court.
8. On or about May 31, 2019, Respondent filed a motion to dismiss based upon facts and alleged criminal acts outlined in more detail in the motion.
9. On or about June 5, 2019, this Court ordered that the petition would be held in abeyance until resolution of a criminal referral by the Court to appropriate law enforcement agencies.
10. Based on the nature and extent of the allegations contained in the Motion to Dismiss, a breakdown in trust has occurred in the attorney-client relationship that cannot be resolved, however, attorney is mindful that Petitioner is innocent until proven guilty of any alleged issue.

11. Petitioner will not be prejudiced by attorney Laidler's withdrawal for the following reasons, including but not limited to:

a) Petitioner is represented by the following attorneys (in no particular order):

- 1) David Moffit
- 2) Stephen N. Shashy
- 3) Nayha Arora
- 4) Harold Z. Gurewitz
- 5) Mary Chartier-Mittendorf
- 6) Daniel Meron
- 7) Brian P. Lennon
- 8) John J. Bursch
- 9) Warner Norcross & Judd LLP
- 10) Latham and Watkins LLP

As such, Petitioner will be adequately represented.

b) Attorney Laidler's involvement in the case has been short-lived – four months to the day of this filing – and his involvement has been extremely limited in scope, particularly since the addition of Attorney Gurewitz, who has far more credentials in criminal appellate law and has a stellar reputation with the Bar and the Court. There is no doubt that Petitioner will be well served by his representation, without need for attorney Laidler in any form.

- c) Attorney Laidler had approached this case from a pro bono standpoint, and in no way will Petitioner suffer monetarily or otherwise from attorney's withdrawal.
 - d) Attorney Laidler was added to the team to facilitate final briefing – however, the briefing is over, and he has been relegated to consultant status. As such, his contemplated role has ended, and Petitioner will not be harmed by discharge at this time.
- 12. Attorney Laidler will suffer irrevocable harm from continuing in the litigation, as he is a sole practitioner and carrying pro bono cases causes relatively more economic hardship than to a larger firm that can absorb such costs more readily.
 - 13. Further, due to the nature of the allegations in the motion to dismiss – without regard to the veracity of those charges – attorney's relationship to this case may harm other clients due to the aspersions, wrongly or not, that come with such associations.
 - 14. As noted by the Court during the June 5, 2019 telephone conference, it is likely that the attorneys will be disqualified as they will be fact witnesses in any proceeding, assuming that law enforcement takes up the referral. While the events and issues in Respondent's motion appear to have occurred long before attorney's involvement, disqualification will still likely be required. As such, withdrawal now simply speeds up the inevitable.

RELIEF REQUESTED

WHEREFORE, for the foregoing reasons, Attorney Laidler requests that this Honorable Court grants him leave to withdraw in this case.

Dated: June 7, 2019

/s/Kevin Laidler (P62781)
Kevin Laidler (P62781)
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BRIEF IN SUPPORT

Attorney Laidler relies upon the facts and law as more fully set out in his paragraph format motion to withdraw, supra.

Dated: June 7, 2019

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CERTIFICATE OF SERVICE

Attorney Kevin Laidler states and deposes that on June 7, 2019 he served a copy of the forgoing document on all counsels of record via the Court's ECF electronic filing system.

Dated: June 7, 2019

/s/Kevin Laidler (P62781)
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